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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,663	03/15/2001	Mukesh V. Khare	FIS920000396US1 / 130-000	5741

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INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 300-482
2070 ROUTE 52
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EXAMINER	
TOLEDO, FERNANDO L	
ART UNIT	PAPER NUMBER

2823
DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)
	09/809,663	KHARE ET AL.
	Examiner Fernando Toledo	Art Unit 2823

All participants (applicant, applicant's representative, PTO personnel):

(1) Fernando Toledo. (3)_____.

(2) Margaret Pepper. (4)_____.

Date of Interview: 17 September 2002.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Kraft et al. U. S. patent 6,136,654.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



LONG PHAM
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Figure 7 was discussed in that it does not show the appropriate thickness claimed by Applicant in claim 1. However, Examiner showed that Figure 8 does have the thickness range of Applicant however the concentration of the nitrogen in the film was not shown. Examiner discussed that the process of figure 7 and figure 8 are similar except for the bias power of the substrate and the exposition time. However, Kraft discloses that those two parameters only varies the depth of the nitrogen in the oxide film. Applicant has agreed in submitting an affidavit showing the exact process steps made in the application in order to show that Kraft's process is either totally different and hence the concentration of the nitrogen will be different or that the process are similar and hence the Kraft reference anticipates the claimed invention.